

Assembly Bill No. 2213

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

Passed the Senate August 20, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 871.5, 872, 873, and 878 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2213, Fuentes. Moore Universal Telephone Service Act.

The Moore Universal Telephone Service Act established the Universal Lifeline Telephone Service (ULTS) program in order to provide low-income households with access to affordable basic residential telephone service.

This bill would replace the definition of “residential” in the Moore Universal Telephone Service Act with a definition of “household” and would make conforming changes.

Existing law requires that a lifeline telephone service subscriber be provided with one single party line at his or her principal place of residence.

This bill would instead require that a lifeline telephone service subscriber be provided with one lifeline subscription, as defined by the commission, at his or her principal place of residence.

Existing law makes any public utility, as defined, and any corporation other than a public utility, that violates the Public Utilities Act, or that fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, guilty of a crime.

Because the provisions of this bill are within the act and require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by expanding the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Ensuring that all state residents have access to affordable, reliable, and high-quality basic telephone service is a longstanding policy of the state.

(b) To help achieve this policy, the Legislature enacted the Moore Universal Telephone Service Act that created a lifeline class of telephone service for low-income citizens.

(c) Technologies beyond traditional landline telephones are now available in California and could be used to offer low-income citizens access to affordable, reliable, and high-quality basic telephone service.

(d) If alternative technologies are used to provide lifeline telephone service, the technologies should provide comparable access to emergency and community services as traditional landline telephone service, and the commission shall ensure that low-income consumers using alternative technologies continue to have access to reliable, high-quality, and affordable voice telecommunications services.

SEC. 2. Section 871.5 of the Public Utilities Code is amended to read:

871.5. The Legislature finds and declares all of the following:

(a) The offering of high-quality basic telephone service at affordable rates to the greatest number of citizens has been a longstanding goal of the state.

(b) The Moore Universal Telephone Service Act has been, and continues to be, an important means for achieving universal service by making basic telephone service affordable to low-income households through the creation of a lifeline class of service.

(c) Every means should be employed by the commission and telephone corporations to ensure that every household qualified to receive lifeline telephone service is informed of and is afforded the opportunity to subscribe to that service.

(d) The furnishing of lifeline telephone service is in the public interest and should be supported fairly and equitably by every telephone corporation, and the commission, in administering the lifeline telephone service program, should implement the program in a way that is equitable, nondiscriminatory, and without

competitive consequences for the telecommunications industry in California.

SEC. 3. Section 872 of the Public Utilities Code is amended to read:

872. As used in this article, “household” means a residential dwelling that is the principal place of residence of the lifeline telephone service subscriber, and excludes any industrial, commercial, or other nonresidential building.

SEC. 4. Section 873 of the Public Utilities Code is amended to read:

873. (a) (1) The commission shall annually do all of the following:

(A) Designate a class of lifeline service necessary to meet minimum communications needs.

(B) Set the rates and charges for that service.

(C) Develop eligibility criteria for that service.

(D) Assess the degree of achievement of universal service, including telephone penetration rates by income, ethnicity, and geography.

(2) This information shall be annually reported to the Legislature by the commission in a document which can be made public.

(b) Minimum communications needs includes, but is not limited to, the ability to originate and receive calls and the ability to access electronic information services.

SEC. 5. Section 878 of the Public Utilities Code is amended to read:

878. A lifeline telephone service subscriber shall be provided with one lifeline subscription, as defined by the commission, at his or her principal place of residence, and no other member of that subscriber’s family or household who maintains residence at that place is eligible for lifeline telephone service.

An applicant for lifeline telephone service may report only one address in this state as the principal place of residence.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2010

Governor